



**SPECTRUM COMMUNICATIONS**  
**CABLING SERVICES, INC.**

Received & Inspected

DEC 15 2008

FCC Mail Room

Sent via Facsimile and U.S. Postal Service

December 1, 2008

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: **SECOND REQUEST FOR:**

**Petition for Immediate Relief, in the matter of;  
The Petition for Reconsideration of the Denial of Hemet Unified School  
District's Request for Service Delivery Extension Deadline for the E-Rate  
Program.**

**Request for Review: Docket No. 02-6  
Appeal of the Universal Service Administrative Company Decision  
Applicant name: Hemet Unified School District  
E-Rate Year 5 Projects  
Form 471 #: 295589  
FRN's: 792640, 792784, 792858, 819791**

Ms. Dortch,

On July 9, 2008, I sent the following request to your offices. I receive the FCC Daily Digest, and have yet to see this request for petition mentioned. So I must assume it has gotten lost.

As you will read below, we have stopped E-Rate (FY5) work on Hemet Unified School District – in the middle of the work schedule – pending FCC approval or denial of this request.

Since my writing of this petition there have been several decisions or orders from the FCC that are similar to our request, such as; Tekoa Academy of Accelerated Studies<sup>1</sup>, Barberton City School District, *et al.*<sup>2</sup>, and Archer Public Library, *et al.*<sup>3</sup>

<sup>1</sup> See Request for Review of the Decision of the Universal Service Administrative Company by Tekoa Academy of Accelerated Studies, File No. SLD-242830, CC Docket No. 02-6, FCC Order DA 08-2372.

<sup>2</sup> See Request for Review of the Decision of the Universal Service Administrative Company by Barberton City School District, *et al.*, File No. SLD-400938, CC Docket No. 02-6, FCC Order 08-2382.

<sup>3</sup> See Request for Review of the Decision of the Universal Service Administrative Company by Archer Public Library, *et al.*, File No. SLD-140961, CC Docket No. 02-6, FCC Order 08-2381.

Moreover, our request is consistent with FCC orders set forth in Bishop Perry<sup>4</sup> and Academy of Academic Excellence<sup>5</sup>, whereas the direct issue here is if USAC has the authority to apply Bishop Perry to those requests for review *after the implementation window has closed*. This is meant to say, that clearly Hemet Unified School District mistakenly omitted 4 FRN's, became aware of its mistake, and notified USAC of the error, unfortunately not in time for USAC to have the authority to correct the problem without FCC intervention.

I have omitted the attachments for convenience, however, if you require the attachments please let me know and I will send them.

I respectfully ask for an FCC decision on this matter as soon as possible.

*My letter to your offices of July 9, 2008:*

I am writing this letter on behalf of the Hemet Unified School District ('Hemet') in regards to Hemet's request and subsequent denial for Service Delivery Deadline Extension ('extension') for the aforementioned FRN's.

On August 23, 2007, Hemet sent its initial request for Service Delivery Extension for its previously funded 471 number 295589. (Attachment A)

On November 8, 2007, Hemet realized that its request had mistakenly omitted 4 FRN's of the same Form 471 (295589), and sent a letter requesting that these additional FRN's (792640, 792784, 792858, and 819791) be included in their extension request. (Attachment B)

On November 13, 2007, USAC approved Hemet's request for extension, however, Hemet's letter of November 8<sup>th</sup>, apparently 'crossed in the mail' and USAC did not receive Hemet's request to add the additional 4 FRN's until after they had sent the extension approval.

On January 28, 2008, Spectrum Communications, Hemet's selected service provider, sent a letter of inquiry regarding the status of the approval for the additional 4 FRN's.

On February 15, 2008, both Hemet and Spectrum were notified that USAC had denied Hemet's request for extension on the additional 4 FRN's. The reason for denial was that the request appeared to USAC to have occurred after the delivery window had closed.

On May 28, 2008, Spectrum Communications, Hemet's selected service provider, sent an appeal to the USAC providing additional information in support of Hemet's request to add the 4 omitted FRN's.

---

<sup>4</sup> See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-48770, CC Docket No. 02-6.

<sup>5</sup> See Request for Review of the Decision of the Universal Service Administrative Company by Academy of Academic Excellence, et al., File No SLD-539076, 539722, CC Docket 02-6, FCC DA 07-1180.

On June 20, 2008, Hemet received a USAC Administrator's Decision on its request for an extension to the abovementioned FRN's. Hemet's request was "denied in full". (Attachment C)

Hemet and Spectrum Communications appeal USAC's decision to deny Hemet's request for extension. This appeal is timely.

The basis for Hemet's appeal is that in its original request for an extension to USAC, Hemet mistakenly omitted 4 FRN's from its request. Subsequently, USAC approved Hemet's extension request minus the 4 missing FRN's.

In the time between Hemet's original request and USAC's approval, Hemet realized that it had omitted the additional 4 FRN's, and wrote USAC to inform them and request that these 4 FRN's be included in its extension request. It appears however, that these letters crossed in the mail, as Hemet had soon after received an extension approval minus the 4 omitted FRN's.

USAC requires FCC guidance in order to approve the additional 4 FRN's because Hemet had mistakenly omitted them in their original, and timely, request for extension, for which USAC had approved. However, because Hemet's did not realize their omission of the 4 FRN's until November 8<sup>th</sup> 2007, USAC is unable to grant extension on these without FCC approval because by that time the service delivery window had closed.

Hemet is in need of the additional 4 FRN's in order to complete their technology plans as provided to USAC in its original Form 471 request.

Granting this request serves the purpose of the E-Rate program. There are no additional budgeting requirements necessary, as these 4 FRN's were originally approved for funding in Hemet's initial Form 471 request.

In the past, the Commission has allowed applicants to correct similar mistakes, such as inadvertently leaving portions of the FCC Forms blank, or making minor errors.<sup>6</sup>

Hemet and Spectrum, respectfully asks the FCC to grant its request and extend the additional 4 FRN's which should have been included, but was mistakenly omitted, to the original extension request that was approved.

This Petition for Immediate relief is made because Spectrum Communications, the selected service provider for this funding request, can not complete the balance of the work as proposed by Hemet in its funding request.

---

<sup>6</sup> See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism, File Mo. SLD-48770, CC Docket No. 02-6.

See also, Mineola Union Free School District, FCC Form 471 No. 637705; DA 08-872

Subsequently, this project is on hold until the FCC provides its decision to this request. If this request is not granted, Hemet may have to eliminate needed functionality to its technology goals.

Please forgive Hemet's oversight in its omission of the 4 FRN's to its request for service delivery extension.

Should you have any questions or require further information, please contact Richard Beck at (951) 765-5100 ext. 2401. Conversely, you may contact Robert Rivera at (951) 371-0549.

Respectfully Submitted,

Robert Rivera  
Spectrum Communications

Cc:

Richard Beck  
Asst. Superintendent, Hemet Unified School District

Mel Blackwell, Vice President SLD  
Universal Service Administrative Company

Mick Kraft, SLD  
Universal Service Administrative Company

Emil Basilio, Director Information Technology  
Hemet Unified School District

Encl.